

is involved, its value shall be provisionally ascertained and the amount to be deposited shall be promptly fixed by the court.

After such deposit is made, the court shall order the sheriff or other proper officer to forthwith place the plaintiff in possession of the property involved and promptly submit a report thereof to the court with service of copies to the parties.

National Government Infrastructure Projects

For expropriation under R.A. No. 8974,¹ the government is required to make an initial payment for the just compensation immediately upon the filing of the complaint. Such amount to be initially paid shall be equivalent to 100% of the value of the property based on the current relevant zonal valuation of the Bureau of Internal Revenue, and the value of the improvements and/or structures sought to be expropriated. In provinces, cities, municipalities, and other areas where there is no zonal valuation, the Bureau of Internal Revenue is mandated by law to come up with a zonal valuation for said area within the period of 60 days from the date of the expropriation case.

It must be noted that prior to the effectivity of said law, the amount of just compensation shall be based on the value of the land at the time of the taking or at the time of the filing of the complaint for expropriation whichever came first. It being a substantive law, however, it cannot be given retroactive effect.²

Local Government Units

For expropriation under the Local Government Code, a deposit of the amount of 15% of the fair market value of the property based on its current tax declaration is required. The amount to be paid for the expropriated property shall be determined by the proper court based on its fair market value at the time of the taking thereof.³

Defenses and Objections

If a defendant has no objection or defense to the action or the taking of his or her property, he or she may file and serve a notice of appearance and a manifestation to that effect, specifically designating

¹Expropriation by the national government on infrastructure projects.

²Lintag vs. NPC, G.R. No. 158609, July 27, 2007.

³Section 19 of the Local Government Code.